

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT,

Plaintiff,

v.

PACIFIC COUNTY, *et al.*,

Defendants.

No. MS05-5029

ORDER PERMITTING CASE TO PROCEED


This matter comes before the Court on plaintiff's "Motion for Reconsideration" of this Court's determination that the above-captioned matter should not be permitted to proceed. Dkt. # 4. Pursuant to the terms of the "Order Adopting Report and Recommendation," dated April 5, 2005, plaintiff has submitted a signed affidavit verifying that none of the issues raised in the proposed complaint have been litigated in the past by the plaintiff. Dkt. # 3. Upon review of plaintiff's affidavit and the record in Scott v. Pacific County, C04-5813RJB, it appears that plaintiff voluntarily dismissed his complaint in C04-5813RJB effective March 25, 2005, eleven days before the United States District Court judges who sit in Tacoma entered an order purporting to dismiss the same action with prejudice.

Giving plaintiff every benefit of the ambiguities created by his withdrawal of C04-5813L while the Report and Recommendation was pending, the Court finds that the issues raised in the above-captioned matter have not been finally resolved and may proceed subject to

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1 the other requirements imposed by the “Order Adopting Report and Recommendation.”

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3 DATED this 25th day of October, 2005.

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6 Robert S. Lasnik
7 Chief Judge, United States District Court
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